

JC10 Rec'd PCT/PTO 25 FEB 2002

FORM PTO-1390 US DEPARTMENT OF COMMERCE REV. 5-93 PATENT AND TRADEMARK OFFICE		ATTORNEYS DOCKET NUMBER P01,0402
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/009,397
INTERNATIONAL APPLICATION NO. PCT/EP00/04312	INTERNATIONAL FILING DATE 12 MAY 2000	PRIORITY DATE CLAIMED 12 MAY 1999
TITLE OF INVENTION NETWORK, INTERPRETER FOR SUCH A NETWORK AND METHOD FOR OPERATING A NETWORK		
APPLICANT(S) FOR DO/EO/US ANDREAS HOFSTETTER		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay. 4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. 5. <input type="checkbox"/> A copy of International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)) a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11. to 16. below concern other document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included. (SEE ATTACHED ENVELOPE) 13. <input type="checkbox"/> Amendment "A" Prior to Action and Appendix "A". <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification and substitute specification mark-up. 15. <input type="checkbox"/> A change of address letter attached to the Declaration. 16. <input checked="" type="checkbox"/> Other items or information: a. <input checked="" type="checkbox"/> SUBMISSION OF EXAMINATION REPORT (ENGLISH TRANSLATION). b. <input checked="" type="checkbox"/> EXPRESS MAIL # 843745533 US dated February 25, 2002.		

U.S. APPLICATION NO. (if known):
10/009,397

INTERNATIONAL APPLICATION NO.
PCT/EP00/04312

ATTORNEY'S DOCKET NUMBER
P01,0402

17. ☐ The following fees are submitted:

BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):

Search Report has been prepared by the EPO or JPO \$890.00

International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) \$710.00

No international preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but international search fee paid to USPTO (37 C.F.R. 1.445(a)(2)) \$740.00

Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO \$1040.00

International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS

PTO USE ONLY

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).

\$ 130.00

Claims

Number Filed

Number
Extra

Rate

Total Claims

- 20 =

0

X \$ 18.00

\$

Independent Claims

- 3 =

0

X \$ 84.00

\$

Multiple Dependent Claims

\$280.00 +

\$

TOTAL OF ABOVE CALCULATIONS =

\$ 130.00

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. 1.9, 1.27, 1.28)

\$

SUBTOTAL =

\$ 130.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +

\$

TOTAL NATIONAL FEE =

\$

Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property +

TOTAL FEES ENCLOSED =

\$ 130.00

03/01/2002 MNGUYEN 00000081 10009397

Amount to be
refunded

\$

01 FC:154

130.00 0P

charged

\$

a. ☒ A check in the amount of \$ 130.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1519. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**SCHIFF HARDIN & WAITE
PATENT DEPARTMENT
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6473**


SIGNATURE

Mark Bergner
NAME

CUSTOMER NUMBER 26574

45,877
Registration Number

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SUBMISSION OF EXAMINATION REPORT

APPLICANT: Andreas HOFSTETTER DOCKET NO: P01,0402
SERIAL NO.: 10/009,397 ART UNIT:
FILED: November 12, 2001 EXAMINER:

Confirmation No: 2404

TITLE: NETWORK, INTERPRETER FOR SUCH A NETWORK, AND
METHOD FOR OPERATING A NETWORK


Assistant Commissioner for Patents,
Washington, D.C. 20231

Dear Sir:

Enclosed is an English translation of the International Preliminary Examination Report in this application for the Examiner's review. The Examiner's attention is directed to the Reasoned Statement under Article 35(2) at Section V., for the International Examiner's discussion.

Favorable consideration of the present application is respectfully requested.

Respectfully submitted,

 (Reg. No. 45,877)

Mark Bergner
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Attorney for Applicants
Customer Number 26574

BEST AVAILABLE COPY PATENT COOPERATION TREATY

PCT NOTIFICATION OF TRANSMITTAL OF COPIES OF TRANSLATION OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

SCHAUMBURG, Karl-Heinz
Postfach 86 07 48
D-81634 München
ALLEMAGNE

EINGEGANGEN

10. Dez. 2001

Erled.

Date of mailing (day/month/year) 29 November 2001 (29.11.01)	
Applicant's or agent's file reference 99 0503 P	IMPORTANT NOTIFICATION
International application No. PCT/EP00/04312	International filing date (day/month/year) 12 May 2000 (12.05.00)
Applicant OCE PRINTING SYSTEMS GMBH et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CA,JP,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

Chantal DERUAZ



Telephone No. (41-22) 338.83.38

Translation

PATENT COOPERATION TREATY

PCT

3

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 99 0503 P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/04312	International filing date (day/month/year) 12 May 2000 (12.05.00)	Priority date (day/month/year) 12 May 1999 (12.05.99)
International Patent Classification (IPC) or national classification and IPC H04L 29/00		
Applicant OCE PRINTING SYSTEMS GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 9 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 7 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 11 December 2000 (11.12.00)	Date of completion of this report 14 August 2001 (14.08.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/04312

I. Basis of the report.

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages 1-6,8-31, as originally filed
pages _____, filed with the demand
pages 7,7a-7b, filed with the letter of 18 May 2001 (18.05.2001)
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1-20, filed with the letter of 18 May 2001 (18.05.2001)
- ☒ the drawings:
pages 1/3-3/3, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. _____

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/04312

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

See Annex

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. _____

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 00/04312

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III.1.

1. Claim 15 seeks to define a program (interpreter) by means of a data carrier which is not a component of the program - see Guidelines, Chapter III-4.8a.
2. Claim 20 seeks to define a process by means of a program (interpreter) and not by means of the steps of the process.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 00/04312

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV.3.

1. Claim 16 relates to load balancing during operation of a network for interlinked computers. A server responds to a request by determining whether it can process the request and if it determines that it cannot do so, it routes the request to another server which is able to execute it.

Claim 9 relates to an interpreter. The interpreter is configured to interpret and execute executable language elements in a server.

2. It has been shown that the independent claims referred to in point 1 (above) have no common features and are based on different concepts.
3. Claim 16 is considered to be an independent claim as explained in Box V, point 2.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 00/04312

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-14, 19	YES
	Claims	16-18	NO
Inventive step (IS)	Claims	1-14	YES
	Claims	16-19	NO
Industrial applicability (IA)	Claims	1-14, 16-19	YES
	Claims		NO

2. Citations and explanations

1. The subject matter of Claim 16 is not novel PCT Article 33(2).

WO-A-99/18534 (D1) discloses a system for operating a network for interlinked computers, where files stored in a server can be transmitted from the server to the client, when the client requests this by sending an appropriate file address to the server, and the server offers the client one or a plurality of services - see page 1, lines 5-18. When a client requests a service, the server receiving the request uses certain basic parameters of the request to determine whether it can process the request and if the server determines that it cannot do so, it routes another server to the client which can execute the request - see page 4, line 29 to page 5, line 6; page 9, lines 3-11, Figure 1.

2. According to the applicant, Claim 16 should be regarded as a dependent claim. This is incorrect, since the claims in question, Claims 1 to 8, are device claims and in consequence belong to a different category from process Claim 16 - see also Guidelines, Chapter III-3.8.

3. The additional features of the dependent Claims 17-19 do not add anything new or inventive to Claim 16 since said features are either known from the cited prior art or are conventional measures.
4. The subject matter of Claim 1 is novel and inventive (PCT Article 33(2) and (3)).
 - 4.1 Claim 1 contains the features of Claim 16, which are known from D1.
 - 4.2 Claim 1 differs from D1 in that the data stored in the server contain language elements executable both in the client and in the server. In the server there is an interpreter to interpret and execute the language elements executable in the server. The interpreter also performs a conversion between different data formats when a connection is set up through a gateway to another server.

The first-hand interpretation and execution of the language elements executable in the server afford a reduction of the programming load since it is no longer necessary to generate executable language elements via the language elements of another language.
 - 4.3 This process is not obvious from the prior art.

D1 deals mainly with load balancing between servers. The treatment of files with language elements executed on different platforms is not entered into.

EP-A-0 874 306 discloses a server with a fundamentally different interpreter. The function of the interpreter is to translate between different print formats and to forward commands to interfaces connected to printers. EP-A-0 872 792 discloses an interpreter which differs from that of the present application. Said interpreter is configured for the local translation of HTML files.

WO A 96/29663 does not disclose an interpreter in a server for interpreting and executing executable language elements contained in data files stored in the server. The scripts disclosed in said document are executable programs which have already been translated. The function of the scripts is to transform data requested by a server, for example from a database, into HTML documents which can then be displayed by an HTML browser.

EP-A-0 889 418 is less relevant, because it relates to redirection by URL.

5. Claim 9 relates to an interpreter such as that already defined in Claim 1. Thus, Claim 9 is likewise novel and involves an inventive step.
6. Dependent Claims 2-8 and 10-15 relate to further embodiments of the subject matter of Claims 1 and 9 and in consequence are also novel and inventive.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 00/04312

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Claim 1 has not been drafted in the two-part form defined by PCT Rule 6.3(b). The features of Claim 1 on lines 5-13 are common knowledge.